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TECHNICAL SUPPORT  
SECTION

April 13, 1989

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Ms. Nancy Justus  
Superfund Program Management Branch  
5HS-11  
United States Environmental  
Protection Agency  
Region V  
230 South Dearborn Street  
Chicago, IL 60604

SUPERFUND PROGRAM  
MANAGEMENT BRANCH

RE: Union Steel Product, Albion, Michigan  
Superfund Notice of September 23, 1988  
Albion-Sheridan Township Landfill

Dear Ms. Justus:

This will respond to the April 10, 1989 letter to me from Assistant Regional Counsel Marc Radell (copy enclosed), concerning your information request to Union Steel in connection with the above-referenced Superfund site.

In my October 12, 1988 letter to you, I advised you that Union Steel was a former division of Eagle-Picher Industries, Inc. Eagle-Picher has no control over Union Steel at present, but Eagle-Picher is obligated to defend Union Steel in Superfund matters with respect to materials delivered by Union Steel to potential Superfund sites prior to March, 1982.

After I received a copy of the Superfund notice and the questions propounded pursuant to Section 104(e), I requested that Union Steel prepare appropriate responses, since the information necessary to respond is solely in the possession of Union Steel.

On October 21, 1988, I received proposed responses from Union Steel, by telecopy, and on October 26, 1988, I advised Union Steel by telephone that Eagle-Picher had reviewed these responses and felt we could add nothing further to them. Accordingly, I asked Union Steel to forward the proposed responses to you.

I am taking the liberty of enclosing with this letter a copy of the proposed responses I received from Union Steel on October 21, 1988. I trust a review of your file will disclose that Union Steel did, in fact, provide you with these responses. If not, with a copy of this letter to David L. Tripp, attorney for Union Steel, I am making him aware of this problem, and I am asking that he confirm that the responses were sent to you in a timely manner, as I requested.

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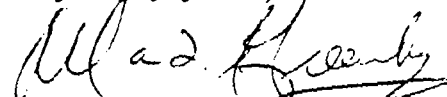
I apologize if the responses were not sent to you in an appropriate manner. It could be that Union Steel thought I was sending them, and I thought that Union Steel was sending them.

Mr. Radell's April 10, 1989 letter also indicates that the US EPA shall not disclose documents in its possession which indicate a connection between Union Steel and the Albion-Sheridan Township Landfill, despite my FOIA Request for these documents. As I am sure you are aware, it is very common in Superfund matters for a potentially responsible party to ask the US EPA to provide such documents pursuant to a FOIA Request. I have been involved with many Superfund sites for many years now, and this is the first time such a request has been denied. I do not believe there is any basis for refusing to provide us with these documents, especially since the Section 104(e) response of Union Steel indicates that they have no such records in their possession. I certify to you that Eagle-Picher has no documents in its possession which would indicate any connection between Union Steel and this site. Accordingly, I formally request reconsideration of the decision by the US EPA to refuse to provide us with these documents.

It is important to both Union Steel and Eagle-Picher that we receive whatever documentation you have concerning Union Steel at this site for an additional reason. Under the agreement between Eagle-Picher and Union Steel, Eagle-Picher is only obligated to defend Union Steel if waste or other materials from Union Steel reached this site before March of 1982. We cannot make this determination unless we see the documents you have. Again, I renew my FOIA Request for any documents in the possession of the US EPA which show any connection between Union Steel Products, Albion, Michigan and the site known as the Albion-Sheridan Township Landfill, Calhoun County, Michigan.

If you have any questions concerning this letter, or if you would like any further information, please feel free to call me.

Very truly yours,



Marc L. Greenberg  
Assistant General Counsel

G/sk  
:ls.

James A. Ralston, Esquire  
Mr. Paul D. Harper  
Marc M. Radell, Esquire  
David L. Tripp, Esquire  
Mr. John M. Kamakian